CONFERENCE ON DISARMAMENT

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LETTER DATED 24 NOVEMBER 1993 FROM THE PERMANENT REPRESENTATIVE OF UKRAINE ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE RESOLUTION OF THE VERKHOVNA RADA OF UKRAINE ON RATIFICATION OF THE TREATY BETWEEN THE UNION OF SOVIET SOCIALIST REPUBLICS AND THE UNITED STATES OF AMERICA ON THE REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS, SIGNED IN MOSCOW ON 31 JULY 1991, AND THE PROTOCOL TO IT, SIGNED IN LISBON ON BEHALF OF UKRAINE ON 23 MAY 1992

I have the honour to forward to you the attached resolution of the Verkhovna Rada of Ukraine on Ratification of the Treaty between the Union of the Soviet Socialist Republics and the United States of America on the Reduction and Limitation of Strategic Offensive Arms, signed in Moscow on 31 July 1991, and the Protocol to it, signed in Lisbon on behalf of Ukraine on 23 May 1992.

I would be most grateful if, in accordance with established procedure, this resolution could be issued as an official document of the Conference on Disarmament and circulated to all delegations, both member States and non-member States participating in the work of the Conference.

I am also transmitting to you the press releases issued by the Permanent Mission of Ukraine at Geneva, which contain certain relevant information concerning ratification of the START-1 by the Parliament of Ukraine.

I would very much appreciate, Mr. Secretary-General, if you could find an appropriate way of conveying the content of these press releases to all delegations, both member States and non-member States, participating in the work of the Conference.*

(signed) OLEXANDR SLIPCHENKO
Ambassador Extraordinary and
Plenipotentiary of Ukraine

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* Circulated in the delegations' boxes.

RESOLUTION
OF THE VERKHOVNA RADA OF UKRAINE

On ratification of the Treaty between the Union of Soviet Socialist Republics and the United States of America on the Reduction and Limitation of Strategic Offensive Arms, signed in Moscow on 31 July 1991, and the Protocol to it, signed in Lisbon on behalf of Ukraine on 23 May 1992

Verkhovna Rada of Ukraine r e s o l v e s:

To ratify on behalf of Ukraine - successor state to the former USSR - the Treaty between the Union of Soviet Socialist Republics and the United States of America on the reduction and limitation of strategic offensive arms (hereinafter referred to as the Treaty), signed in Moscow on 31 July 1991, which includes the following documents - its integral parts:

Memorandum of Understanding on the Establishment of the Data Base Relating to the Treaty;

Protocol on Procedures Governing Conversion or Elimination of the Items Subject to the Treaty;

Protocol on Inspections and Continuous Monitoring Activities Relating to the Treaty;

Protocol on Notifications Relating to the Treaty;

Protocol on ICBM and SLBM Throw-Weight Relating to the Treaty;

Protocol on Telemetric Information Relating to the Treaty;

Protocol on the Joint Compliance and Inspection Commission Relating to the Treaty;

Annex on Agreed Statements;
Annex on Terms and Their Definitions;
Protocol to the Treaty, signed in Lisbon on behalf of Ukraine on 23 May 1992 (except Article V);

with following reservations concerning the Treaty and the documents - its integral parts:

1. In accordance with the Vienna convention on Succession of States in Respect of State Property, Archives and Debts of 1983, and in accordance with the Law of Ukraine On the Enterprises,Institutions and Organizations of Union Subordination located on the Territory of Ukraine of September 10, 1991, and also with The Fundamental Directions of the Foreign Policy of Ukraine, all assets of Strategic and Tactical Nuclear Forces deployed in Ukraine, including their nuclear warheads, are state property of Ukraine.

2. Ukraine does not consider article V of Lisbon Protocol binding for Ukraine.

3. Having become the owner of the nuclear weapons inherited from the former USSR, Ukraine exercises administrative control over Strategic Nuclear Forces deployed on its territory.

4. The people of Ukraine, having suffered disastrous consequences of Chernobyl nuclear catastrophe, realizes its high responsibility before the peoples of the world that the nuclear war should not be unleashed from the Ukraine's territory. Hence Ukraine undertakes appropriate measures to prevent the use of nuclear weapons deployed on its territory.

5. Ukraine as the state-owner of nuclear weapons shall move towards non-nuclear status and gradually get rid of the nuclear weapons deployed on its territory provided guarantees of its national security under which nuclear states shall assume obligations to never use nuclear weapons against Ukraine, never use conventional armed forces against it and refrain from the threat of force, to respect the territorial integrity of Ukraine and inviolability of the borders of Ukraine and to refrain from economic pressure on Ukraine as a means of resolving any disputes .

6. Reductions of nuclear weapons deployed on the territory of Ukraine, with the destruction, shall be implemented pursuant to the provisions of the Treaty and Article II of the Lisbon Protocol based on the calculation that 36% of launchers and 42% of nuclear warheads shall be subject to elimination. This does not exclude the possibility of elimination of any additional launchers and warheads pursuant to procedures which will be determined by Ukraine.

7. Ukraine shall fulfill its obligations under the Treaty in terms it fixes, proceeding from the legal, technical, financial, organizational and other considerations to ensure nuclear and environmental safety and security. Taking into account current economic crisis in Ukraine the

implementation of these obligations shall be possible only if sufficient international financial and technical assistance be provided.

8.Entry into force of the Treaty and its implementation do not create any basis for the States Parties to this Treaty to attempt to achieve unilateral advantages for their entities on the high technologies market, in science and technology exchanges and in cooperation in the field of nuclear energy for peaceful purposes and in the use of missile technologies which can affect Ukraine's national security interests.

9.If dismantlement and elimination of nuclear warheads deployed on Ukraine's territory is done outside its territory, Ukraine would control directly this process in order to ensure the non-use of nuclear component of these nuclear warheads for the production of new nuclear weapons.

10. Conditions and schedule for transfer of nuclear warheads for their dismantlement and eliminationtion shall be determined in relevant agreement or agreements providing for the return to Ukraine of the components of nuclear weapons for their use for peaceful purposes, or compensation for their value.

Conditions for compensation shall also apply the to tactical nuclear weapons withdrawn from Ukrainian territory to Russia in 1992.

11. Proceeding from the fact, that Ukraine has not negotiated the Treaty to recommend the President and the Government of Ukraine to conduct negotiations with respective states and international organizations on the following:

1) international guarantees for national security of Ukraine;

2) conditions of economic, financial and scientific and technical assistance in the implementation of the commitments under the Treaty;

3) guarantee and author's supervision of nuclear warheads and missile complexes;

4) revision of conditions of inspection activity financing under the Treaty;

5) possibilities of the reliably controlled use of silos for peaceful purposes;

6) conditions of the use of weapons-grade fissile materials removed from the nuclear weapons in the course of their elimination;

7) guarantees of fair compensation for nuclear weapons components' value.

12. To recommend the President of Ukraine to approve the schedule of elimination of Strategic Offensive Arms determined by this Resolution and ensure control over its implementation.

13. To recommend the Cabinet of Ministers of Ukraine to open a special budget line for costs incurred by fulfillment of obligations of Ukraine under this Treaty in drafting Ukraine's budget for 1994.

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Ukraine will exchange the instruments of ratification only after the fulfillment of the conditions mentioned in the paragraphs 5, 6, 7, 9, 10, 11.

Verkhovna Rada of Ukraine expresses its hope that the nuclear states which are not Parties to the Treaty will join the efforts of Ukraine and other USSR successor-states, as well as of the USA and will begin reduction of their nuclear arsenals.

Entry into force of the Treaty and its implementation will open a prospect of resolution by the Verkhovna Rada of the issue of accession of Ukraine to the Non-Proliferation Treaty of the July1, 1968.

SIGNED **Chairman of the Verkhovna Rada of Ukraine**